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PATENT
Docket No. 30414/2000322

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Assistant Commissioner for Patents, Washington, D.C. 20231, on November 12, 1997.

Susan Wooldridge
Susan L. Wooldridge

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Chatterjee et al.

Serial No.: 08/836,455

Filing Date: May 9, 1997

For: MURINE MONOCLONAL ANTI-
IDIOTYPE ANTIBODY 11D10 AND
METHODS OF USE THEREOF

Examiner: Unassigned

Group Art Unit: Unassigned

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OFFICE OF PETITIONS
AND PATENTS

PETITION FOR SUSPENSION OF RULES
PURSUANT TO 37 C.F.R. § 1.183

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.183, applicant respectfully requests suspension of Rule 37 C.F.R. § 1.28 in the above-referenced matter insofar as the Rule sets forth a two month limit for requesting a refund due to changing status to a small entity.

Factual Background

The above-referenced patent application was filed on May 9, 1997, with payment based on non-small entity status, due to our inability to obtain the signed document verifying small entity status in time for filing. We have since obtained this document. However, due to

inadvertent clerical error, we failed to file a request for refund within two months of filing, as the rule specifies. Applicants' attorney discovered this error during review of an otherwise routine filing for request for refund, and immediately filed this petition. The assignee for this application is a small entity, and has filed a number of patent applications in the P.T.O. as a small entity.

Requested relief

Applicants request the Office suspend the requirement under 37 C.F.R. § 1.28 that a request for refund (due to establishment of small entity status) be filed within two months of filing the application.

A check in the amount of **\$130.00** is attached, as required by 37 C.F.R. § 1.17(h). The Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to **Deposit Account No. 03-1952.**

Respectfully submitted,

Dated: November 12, 1997

By: Catherine M. Polizzi
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